

2003 DRAFTING REQUEST**Bill**Received: **01/06/2003**Received By: **rnelson2**Wanted: **As time permits**

Identical to LRB:

For: **Pedro Colon (608) 267-7669**By/Representing: **Andy J.**This file may be shown to any legislator: **NO**Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - notaries**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Colon@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Notary publics who are not attorneys

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson2 01/06/2003	chanaman 01/17/2003 chanaman 01/20/2003					S&L Crime
/1			chaskett 01/22/2003		mbarman 01/22/2003	lemery 01/27/2003	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For: *At intro.*

<END>

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For Assembly S&L Crime per RPN

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01/06/2003 10:35:11 AM

Page 1

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/?	rnelson2	cmh 1/20 h	cp/pt cmh 1/21	pt/cmh 1/21			

FE Sent For:

<END>

Nelson, Robert P.

From: Janssen, Andy
Sent: Monday, January 06, 2003 10:12 AM
To: Nelson, Robert P.
Subject: redraft request

Importance: High

Robert,

Last session you drafted AB 823 for Representative Colón.

We would like this redrafted for this session.

Thanks,

Andy Janssen
Office of Rep. Colón
(608) 267-7669



AB-823.pdf

2
2001 ASSEMBLY BILL 823

February 18, 2002 - Introduced by Representatives COLON, BOCK, KRAWCZYK, POCAN, LASSA, SHERMAN, GUNDERSON, TURNER, MUSSER, COGGS, RYBA, ALBERS, YOUNG, WASSERMAN, J. LEHMAN, CARPENTER, SCHOOFF, HUEBSCH and TOWNSEND, cosponsored by Senators BURKE, HANSEN, DARLING, MOORE, WIRCH, ROESSLER, ROSENZWEIG, ERPENBACH and PLACHE. Referred to Committee on Judiciary.

major car
1 AN ACT to create 137.01 (1) (i), (j) and (k) of the statutes; relating to: notaries
2 public who are not attorneys and providing penalties.

Analysis by the Legislative Reference Bureau

notaries 91
Under current law, attorneys and nonattorneys may become notary publics. A U.S. resident who is 18 years or older and not an attorney may submit a fee of \$20 to the secretary of state to become a notary public. Currently, the person must have the equivalent of an eighth grade education, be familiar with the duties and responsibilities of a notary public, and not have an arrest or conviction record. A qualified applicant is required to take and file an official oath and execute a bond in the sum of \$500.

This bill prohibits a notary public who is not an attorney from acting in the following ways that would make someone think that he or she is licensed to practice law:

1. Stating or implying that he or she is licensed to practice law in this state.
2. Soliciting or accepting compensation to prepare documents for or to represent another person in a judicial or administrative proceeding.
3. Soliciting or accepting compensation to obtain relief of any kind on behalf of another person from an officer, agent, or employee of the federal government, the state, or a political subdivision of the state.
4. Advertising his or her services as a notary public in a language other than English or using certain phrases, including "notario" and "notarizaciones" on signs or written communication, without adding a statement that he or she is not an attorney and listing the fees that the statutes specify a notary public may charge.

ASSEMBLY BILL 823

The bill exempts notaries public accredited by the U.S. board of immigration appeals as representatives of certain qualified organizations from the prohibitions under items 2. and 3. above.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 137.01 (1) (i), (j) and (k) of the statutes are created to read:

137.01 (1) (i) A notary public appointed under this subsection may not do any of the following:

1. State or imply that he or she is an attorney licensed to practice law in this state.

2. Solicit or accept compensation to prepare documents for or otherwise represent the interests of another person in a judicial or administrative proceeding, including a proceeding relating to immigration to the United States or U.S. citizenship.

3. Solicit or accept compensation to obtain relief of any kind on behalf of another person from any officer, agent, or employee of this state, a political subdivision of this state, or the United States.

4. Use the phrase "notario," "notarizaciones," "notarizamos," or "notario publico", or otherwise advertise in a language other than English on signs, pamphlets, stationary, or other written communication, by radio or television, or on the Internet his or her services as a notary public if the advertisement fails to include, in English and the language of the advertisement, all of the following:

a. The statement, if in a written advertisement, in all capital letters and the same type size: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN

ASSEMBLY BILL 823

1 WISCONSIN AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR
 2 LEGAL ADVICE." If the advertisement is given orally, the statement may be
 3 modified but must include substantially the same message and be understandable.

4 b. The fees that a notary public may charge under sub. (9).

5 (j) The prohibitions under par. (i) 2. and 3. do not apply to a notary public who
 6 is an accredited representative, as defined in 8 CFR 292.1 (a) (4).

7 (k) A person who violates par. (i) may be fined not more than \$10,000 or
 8 imprisoned for not more than 9 months or both. A person who commits a 2nd or
 9 subsequent violation of par. (i) may be fined not more than \$10,000 or imprisoned for

10 ~~not more than 5 years or both.~~ is guilty of a Class H felony

11

Bold

(END)

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SECT. Effective Date. (1) This act takes effect
 on February 1, 2003, or the day after publication,
 whichever is later.

on

D-IV.

date

RPN/cmh

I changed the penalty for
 the 2nd offense to fit ~~the~~
 the new criminal penalties. A class
 H felony has a fine of up to \$10,000,
 imprisonment of up to ~~5~~ years, or both.

RPN

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1311/1dn
RPN:cmh:cph

January 21, 2003

I changed the penalty for the 2nd offense to fit the new criminal penalties. A Class H felony has a fine of up to \$10,000, imprisonment of up to six years, or both.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us